

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
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DATE FILED: 3/8/05

SANTOS RODRIGUEZ,
Plaintiff,

-against-

THE CITY OF NEW YORK, DET. KEVIN ARIAS,
DET. JAMES VANACORE, U.C. #7294 and P.O.'s
"JOHN DOE" #1-5, (said names being fictitious, as the
true names are presently unknown), individually and in
their Official Capacities,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

04 CV 7673 (KMW)

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WHEREAS, plaintiff commenced this action by filing a complaint on September 28, 2004, alleging that his constitutional and common law rights were violated; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff the sum of \$18,500 (Eighteen Thousand and Five Hundred Dollars) in full satisfaction of all claims, including claims

for costs, expenses and attorneys fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants and to release defendants and any present or former employees or agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorneys fees.

3. Plaintiff shall execute and deliver to the City's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
February 18, 2005

Christopher Galiardo, Esq.
Attorney for Plaintiff
122 East 42nd Street, Suite 2710
New York, New York 10168

By: 
CHRISTOPHER GALLIARDO
(CG7285)

The Clerk of Court is directed
to close this case. Any pending
motions are moot.

SO ORDERED:

3 - 7 - 05

Kimba M. Wood
U.S.D.J.
KIMBA M. WOOD

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
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By: 
ALISON GUGEL (AG3698)
Assistant Corporation Counsel